

FILED - GR

June 28, 2013 2:19 PM

TRACEY CORDES, CLERK
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGANBY ns / 6/28 SCANNED BY ns 6/28In the United States District Court
For the Western District of MichiganGerald Kent Robinson

(Enter above the full names of all plaintiffs, including prisoner number, in this action.)

Kent County, by and through the Kent County
Jail Administration, Under Sheriff John Hess and
Captain Randy Demery

(Enter above the full name of the defendant or defendants in this action.)

1:13-cv-705

Robert J. Jonker - U.S. District Judge
Hugh W. Brenneman - Magistrate JudgeCOMPLAINT

I. Previous Lawsuits

CAUTION: The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in this and other federal courts without prepayment of the required \$350 filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$350 filing fee regardless whether your complaint is dismissed.

- A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes ☐ No ☒
- B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.

1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.

2. Is the action still pending? Yes ☐ No ☐

a. If your answer was no, state precisely how the action was resolved: _____

3. Did you appeal the decision? Yes ☐ No ☐

4. Is the appeal still pending? Yes ☐ No ☐

a. If not pending, what was the decision on appeal? _____

5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes ☐ No ☐

If so, explain: _____

II. Place of Present Confinement Kent County Correctional Facility

If the place of present confinement is not the place you were confined when occurrence that is subject of instant lawsuit arose, also list the place you were confined: _____

III. Parties

A. Plaintiff(s)

Place your name in the first blank and your present address in the second blank. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff Gerald Kent Robinson

Address 703 Ball, Grand Rapids, Mi. 49503

B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. If there are more than four defendants, provide the same information for each additional defendant. Attach extra sheets as necessary.

Name of Defendant #1 Kent County

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

Name of Defendant #2 _____

Position or Title Kent County Jail administration

Place of Employment _____

Address 701 Ball ave, N.E., Grand Rapids, Mi. 49503

Official and/or personal capacity? _____

Name of Defendant #3 Under Sheriff Jon Hess

Position or Title Under Sheriff to Jail

Place of Employment Kent County Jail

Address 701 Ball ave, N.E., Grand Rapids, Mi. 49503

Official and/or personal capacity? _____

Name of Defendant #4 Capt. Randy Demory

Position or Title Captain of Jail

Place of Employment Kent County Jail

Address 701 Ball ave, N.E. Grand Rapids, Mi. 49503

Official and/or personal capacity? _____

Name of Defendant #5 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

IV. Statement of Claim

State here, as briefly as possible, the facts of your case. Describe how each defendant is personally involved. Include also, the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.

On June 1st, 2013 I began my current incarceration at Kent County Correctional Facility (KCCF). Prior to this I was receiving medical treatment for opioid addiction from Dr. John Campbell through Project Rehab's Cherry Street Services and Life Guidance Methadone Clinic. Upon arrival at KCCF I was advised I would not receive methadone treatment (MT) per administrative policy. As a result of being denied MT I was involuntarily forced into a severe, prolonged and dangerous withdrawal. The State of Michigan regulates Methadone Treatment Programs (MTP) and regulates the discontinuation and/or detoxification of MT to the discretion of the licensed MTP. These State provisions suggest and/or imply and give rise to a constitutionally protected interest in being detoxified off methadone by the medically approved protocol initiated by the MTP and prescribing Doctor. Because the MTP in which I participated is State and Federally licensed and subject to governmental regulations, I had a governmental induced expectation that my MT would be terminated only by the MTP's prescribed protocol of detoxification. I claim that this expectation constituted a liberty interest protected by the "due process clause" of the law. No where in the State or Federal regulations governing MTPs does incarceration abrogate the MTP's right to detoxify its patients nor does it abrogate the patients right to be detoxified by the participating MTP. I claim the KCCF policy denied me my right to "due process" under the law as well as denied me "equal protection" under the law. Kent County has had two licensed MTP in Grand Rapids for over 10 years and services approximately 600 patients at any given time. Using even the most conservative

estimate of 6 of 10 of these patients that there is a real²
probability of 1 MT patient being in KCCF experiencing
methadone withdrawal due to KCCF's policy denying
them treatment on any given day in a 1200 bed jail.
Considering this over a 10 year period the Defendants
are bound to have known or should have known that their
policy was the sole moving force and causative factor in inflic-
ting pain and suffering as well as cruel and unusual punishment
on MT patients denied their medication, of which I am
one. I claim that their failure to address this issue leads
me to believe that they must have encouraged or at least
condoned this treatment of prisoners, thus in either case,
adopted as standard operating procedure, the un-
necessary and wanton infliction of pain on me and a
standard of deliberate indifference to my serious med-
ical needs. I also claim that this is not an isolated or single
act of misconduct alleged of the Defendants because this is the
third time I have been denied MT while housed at KCCF.
Each time I experienced the described effects of meth-
adone withdrawal and suffered a severe, painful and
prolonged withdrawal. The last time I had to be hospitalized
due to the effects of the withdrawal and probably do not have
a statutory claim to relief because of it but it still shows the
establishment of a series of continuous violations on the part
of the Defendants against me and clearly leads to the inference
that they deliberately violated my rights and thought that they
were above the law.

I claim as a pre-trial detainee that jail is to be the least restrictive
means to ensure my appearance and participation in Court
proceedings. I am not suppose to spend my time waiting
to go to court, because I could not post bond, in physical

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pain and mental torment because the Defendant's policy denies me MT. I claim that this policy violates my Constitutional right preventing any government from implementing any law that violates my civil rights. I also claim that the policy in question holds no legal authority under Michigan law as it is not nor has it ever been promulgated as a controlling policy or rule with any statutory power of enforcement and that the State and Federal regulations governing MTPs supercedes any KCCF policy and/or opinion of the Defendants in their justifications in denying me MT.

I further claim that KCCF has no compelling governmental interests in denying me MT and that their policies, practices, and/or procedures used to deny me MT are discriminatory and prejudicial and are not the least restrictive means to further any governmental interests, especially in light of the following facts: The KCCF medical department routinely dispenses methadone (provided by an outside MTP) to female inmates. The Defendants are clearly aware of a "serious medical need" to administer methadone to these patients. KCCF medical department routinely administers Controlled Substances to its inmate population on a daily basis and has anti-diversionary procedures in place that ensure that diversion is not possible. MTPs dispense methadone in a liquid form and must be consumed under direct observation and this practice has met with no resistance since its inception in the 1960's. This practice work well in MTP's throughout the world and it works well in the County Jails that provide MT to its inmates including several County Jails in Michigan. I claim that based on these facts and the fact that

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woman can receive MMT in KCCF the Defendants pick⁴
and choose who will and will not receive treatment
by hiding behind an antiquated, prejudicial, discrimi-
natory and illegal policy which serves nothing more
than to satisfy the Defendants moral judgement of
people who have sought treatment for their disabili-
ty of drug addiction and that this policy's end result
is nothing short of disrupting the patients progress of
recovery and increasing the probability of failure and
return to a life of drug addiction and crime. Considering
the Federal Statistics showing the advantages and benefits
of Methadone treatment I would think that this alone
would be a compelling reason that the KCCF Defendants as a
governmental agency dealing with the epidemic of drug ad-
diction and crime would adopt a attitude that would foster
the reduction of drug abuse and the reduction of crime
rather than being hauled into Federal Court by me to bring
attention to their ongoing violation of my civil rights
and their standard operating procedure of denying prisoners
civil rights in general.

V. Relief

State briefly and precisely what you want the court to do for you.

I claim relief against the named Defendants in their official and personal capacity and they acted under the color of law and caused me "injury" by their violation of an undetermined number of my civil rights, partially detailed in this complaint. I seek compensation for "pain and suffering", "cruel and unusual punishment" and deliberate indifference to my serious medical needs. Punative damages, declaratory and injunctive relief is sought and any other relief justice sees as appropriate, plus 1 million dollars.

6-24-2013

Date

Merald Kent Robins

Signature of Plaintiff

NOTICE TO PLAINTIFF(S)

The failure of a *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal.